

Calendar No. 325

103D CONGRESS
1ST SESSION

S. 1052

[Report No. 103-198]

A BILL

To authorize appropriations for fiscal years 1994 and 1995 for the Coast Guard, and for other purposes.

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Reported with an amendment

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To authorize appropriations for fiscal years 1994 and 1995 for the Coast Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, APRIL 19), 1993

Mr. HOLLINGS (for himself, Mr. STEVENS, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Reported by Mr. HOLLINGS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize appropriations for fiscal years 1994 and 1995
for the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 1993”.

1 **TITLE I—AUTHORIZATIONS**

2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3 ~~(a) FISCAL YEAR 1994.~~—Funds are authorized to be
4 appropriated for necessary expenses of the Coast Guard
5 for fiscal year 1994, as follows:

6 (1) For the operation and maintenance of the
7 Coast Guard, \$2,609,747,000, of which—

8 (A) \$25,000,000 shall be derived from the
9 Oil Spill Liability Trust Fund; and

10 (B) \$32,250,000 shall be expended from
11 the Boat Safety Account.

12 (2) For the acquisition, construction, rebuild-
13 ing, and improvement of aids to navigation, shore
14 and offshore facilities, vessels, and aircraft, includ-
15 ing equipment related thereto, \$414,000,000, to re-
16 main available until expended, of which \$20,000,000
17 shall be derived from the Oil Spill Liability Trust
18 Fund.

19 (3) For research, development, test, and evalua-
20 tion, \$25,000,000, to remain available until ex-
21 pended, of which \$4,457,000 shall be derived from
22 the Oil Spill Liability Trust Fund.

23 (4) For retired pay (including the payment of
24 obligations otherwise chargeable to lapsed appropria-
25 tions for this purpose), payments under the Retired

1 Serviceman's Family Protection and Survivor Bene-
 2 fit Plans, and payments for medical care of retired
 3 personnel and their dependents under chapter 55 of
 4 title 10, United States Code, \$548,774,000, to re-
 5 main available until expended.

6 ~~(5) For alteration or removal of bridges over~~
 7 navigable waters of the United States constituting
 8 obstructions to navigation, and for personnel and
 9 administrative costs associated with the Bridge Al-
 10 teration Program, \$12,940,000, to remain available
 11 until expended.

12 ~~(6) For environmental compliance and restora-~~
 13 tion at Coast Guard facilities, \$23,057,000, to re-
 14 main available until expended.

15 ~~(b) FISCAL YEAR 1995.~~—Funds are authorized to be
 16 appropriated for necessary expenses of the Coast Guard
 17 for fiscal year 1995, as follows:

18 ~~(1) For the operation and maintenance of the~~
 19 Coast Guard, \$2,711,762,000, of which—

20 ~~(A) \$26,000,000 shall be derived from the~~
 21 Oil Spill Liability Trust Fund; and

22 ~~(B) \$33,500,000 shall be expended from~~
 23 the Boat Safety Account.

24 ~~(2) For the acquisition, construction, rebuild-~~
 25 ing, and improvement of aids to navigation, shore

1 and offshore facilities, vessels, and aircraft, includ-
2 ing equipment related thereto, \$596,000,000, to re-
3 main available until expended, of which \$20,500,000
4 shall be derived from the Oil Spill Liability Trust
5 Fund.

6 (3) For research, development, test, and evalua-
7 tion, \$25,750,000, to remain available until ex-
8 pended, of which \$4,600,000 shall be derived from
9 the Oil Spill Liability Trust Fund.

10 (4) For retired pay (including the payment of
11 obligations otherwise chargeable to lapsed appropria-
12 tions for this purpose), payments under the Retired
13 Serviceman's Family Protection and Survivor Bene-
14 fit Plans, and payments for medical care of retired
15 personnel and their dependents under chapter 55 of
16 title 10, United States Code, \$579,500,000, to re-
17 main available until expended.

18 (5) For alteration or removal of bridges over
19 navigable waters of the United States constituting
20 obstructions to navigation, and for personnel and
21 administrative costs associated with the Bridge Al-
22 teration Program, \$13,289,000 to remain available
23 until expended.

1 (6) For environmental compliance and restora-
 2 tion at Coast Guard Facilities, \$23,749,000, to re-
 3 main available until expended.

4 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
 5 **AND MILITARY TRAINING.**

6 (a) AUTHORIZED MILITARY STRENGTH LEVEL.—

7 The Coast Guard is authorized an end-of-year strength for
 8 active duty personnel of 39,138 as of September 30, 1994
 9 (of which not more than 6,400 shall be commissioned offi-
 10 cers), and 39,138 as of September 30, 1995 (of which not
 11 more than 6,400 shall be commissioned officers). The au-
 12 thorized strength does not include members of the Ready
 13 Reserve called to active duty for special or emergency aug-
 14 mentation of regular Coast Guard forces for periods of
 15 one hundred and eighty days or less.

16 (b) AUTHORIZED LEVEL OF MILITARY TRAINING.—

17 The Coast Guard is authorized average military training
 18 student loads as follows:

19 (1) For recruit and special training, one thou-
 20 sand nine hundred and eighty-six student years for
 21 fiscal year 1994 and one thousand nine hundred and
 22 eighty-six student years for fiscal year 1995.

23 (2) For flight training, one hundred and four-
 24 teen student years for fiscal year 1994 and one hun-
 25 dred and fourteen student years for fiscal year 1995.

1 (3) For professional training in military and ci-
 2 vilian institutions, three hundred and thirty-eight
 3 student years for fiscal year 1994 and three hundred
 4 and thirty-eight student years for fiscal year 1995.

5 (4) For officer acquisition, nine hundred and
 6 fifty-five student years for fiscal year 1994 and nine
 7 hundred and fifty-five student years for fiscal year
 8 1995.

9 **TITLE II—PERSONNEL MANAGEMENT**

10 **IMPROVEMENT**

11 **SEC. 201. ELIMINATION OF PERMANENT CEILING ON NUM-** 12 **BER OF COMMISSIONED OFFICERS.**

13 (a) **ELIMINATION OF CEILING.**—Section 42 of title
 14 14, United States Code, is amended by striking subsection
 15 (a), and by redesignating subsections (b) through (e) as
 16 subsections (a) through (d), respectively.

17 (b) **CONFORMING AMENDMENTS.**—(1) Section 42(d)
 18 of title 14, United States Code, as redesignated by sub-
 19 section (a) of this section, is amended by striking “sub-
 20 section (c)” and inserting in lieu thereof “subsection (b)”.

21 (2) The section heading for section 42 of title 14,
 22 United States Code, is amended by striking “**Number**
 23 **and distribution**” and inserting in lieu thereof “**Dis-**
 24 **tribution**”.

1 (3) In the analysis for chapter 3 of title 14, United
 2 States Code, the item relating to section 42 is amended
 3 by striking “Number and distribution” and inserting in
 4 lieu thereof “Distribution”.

5 **SEC. 202. INCREASED GRADE FOR CHIEF OF STAFF.**

6 (a) ~~AUTHORITY FOR GRADE OF VICE ADMIRAL.~~—(1)
 7 Chapter 3 of title 14, United States Code, is amended by
 8 inserting immediately after section 50 the following new
 9 section:

10 **“§ 50a. Chief of Staff**

11 “(a) The President may appoint, by and with the ad-
 12 vice and consent of the Senate, a Chief of Staff of the
 13 Coast Guard who shall rank next after the area command-
 14 ers and who shall perform such duties as the Commandant
 15 may prescribe. The Chief of Staff shall be appointed from
 16 the officers on the active duty promotion list serving above
 17 the grade of captain. The Commandant shall make rec-
 18 ommendations for such appointment.

19 “(b) The Chief of Staff shall, while so serving, have
 20 the grade of vice admiral with the pay and allowances of
 21 that grade. The appointment and grade of the Chief of
 22 Staff shall be effective on the date the officer assumes that
 23 duty, and shall terminate on the date the officer is de-
 24 tached from that duty, except as provided in section 51(d)
 25 of this title.”.

1 (2) The analysis for chapter 3 of title 14, United
 2 States Code, is amended by inserting immediately after
 3 the item relating to section 50 the following new item:

“50a. Chief of Staff.”.

4 (b) ~~ELIMINATION OF UNNECESSARY SENIORITY EX-~~
 5 ~~CEPTION.~~—Section 41a(b) of title 14, United States Code,
 6 is amended by striking “, except that the rear admiral
 7 serving as Chief of Staff shall be the senior rear admiral
 8 for all purposes other than pay”.

9 (c) ~~CLERICAL AMENDMENTS.~~—Section 41a of title
 10 14, United States Code, is amended—

11 (1) in subsection (c), by striking “his” and in-
 12 serting in lieu thereof “that person’s”; and

13 (2) in subsection (d), by striking “he” and in-
 14 serting in lieu thereof “that officer”, and by striking
 15 “his” and inserting in lieu thereof “that officer’s”.

16 **SEC. 203. CONTINUITY OF GRADE OF ADMIRALS AND VICE**
 17 **ADMIRALS.**

18 (a) ~~RETIREMENT.~~—(1) Section 51 of title 14, United
 19 States Code, is amended by adding at the end the follow-
 20 ing new subsection:

21 “(d) An officer serving in the grade of admiral or vice
 22 admiral shall continue to hold that grade—

23 “(1) while being processed for physical disabil-
 24 ity retirement, beginning on the day of the process-

1 ing and ending on the day that officer is retired, but
 2 not for more than one hundred and eighty days; and
 3 “(2) while awaiting retirement, beginning on
 4 the day that officer is relieved from the position of
 5 Commandant, Vice Commandant, Area Commander,
 6 or Chief of Staff and ending on the day before the
 7 officer’s retirement, but not for more than sixty
 8 days.”.

9 (2) Section 51 of title 14, United States Code, is fur-
 10 ther amended—

11 (1) in subsections (a) and (b), by striking “as
 12 Commander, Atlantic Area, or Commander, Pacific
 13 Area” each place it appears and inserting in lieu
 14 thereof “in the grade of vice admiral”; and

15 (2) in subsection (c), by striking “his” and in-
 16 serting in lieu thereof “that officer’s”.

17 (b) ELIMINATION OF UNNECESSARY PROVISION FOR
 18 CHIEF OF STAFF.—Section 290 of title 14, United States
 19 Code, is amended—

20 (1) in subsection (a), by striking “or in the po-
 21 sition of Chief of Staff” in the second sentence; and

22 (2) in subsection (f), by striking “Chief of Staff
 23 or” each place it appears.

24 (c) CONFORMING AMENDMENT RELATING TO RE-
 25 TIREMENT OF COMMANDANT.—Section 46(a) of title 14,

1 United States Code, is amended by striking “shall, at the
 2 expiration of his term, be retired with the grade of admiral.” and inserting in lieu thereof “shall be retired with
 3 the grade of admiral at the expiration of the appointed
 4 term, except as provided in section 51(d) of this title.”.

6 ~~(d) CONFORMING AMENDMENTS RELATING TO RETIREMENT OF VICE COMMANDANT.~~—(1) Section 47 of
 7 title 14, United States Code, is amended—
 8

9 (A) by striking subsections (b), (c), and (d);
 10 and

11 (B) in subsection (a)—

12 (i) by striking “(a)” at the beginning; and

13 (ii) by striking the last sentence and inserting in lieu thereof “The appointment and
 14 grade of a Vice Commandant shall be effective
 15 on the date the officer assumes that duty, and
 16 shall terminate on the date the officer is detached from that duty, except as provided in
 17 section 51(d) of this title.”.

20 (2) The section heading for section 47 of title 47,
 21 United States Code, is amended by striking “; **retirement**”.

23 (3) The item relating to section 47 in the analysis
 24 for chapter 3 of title 14, United States Code, is amended
 25 by striking “; retirement”.

1 ~~(e) CONFORMING AMENDMENTS RELATING TO AREA~~
 2 ~~COMMANDERS.—Section 50 of title 14, United States~~
 3 ~~Code, is amended—~~

4 (1) in subsection (a) by striking “his” and in-
 5 serting in lieu thereof “that area commander’s”; and

6 ~~(2) in subsection (b) by striking the last sen-~~
 7 tence and inserting in lieu thereof “The appointment
 8 and grade of an area commander shall be effective
 9 on the date the officer assumes that duty, and shall
 10 terminate on the date the officer is detached from
 11 that duty, except as provided in section 51(d) of this
 12 title.”.

13 **SEC. 204. VOLUNTEER SERVICES.**

14 Section 93 of title 14, United States Code, is amend-
 15 ed—

16 (1) by striking “and” at the end of subsection
 17 (r);

18 (2) by striking the period at the end of sub-
 19 section (s) and inserting in lieu thereof “; and”; and

20 (3) by adding at the end the following new sub-
 21 section:

22 “(t) enter into cooperative agreements with
 23 States, local governments, nongovernmental organi-
 24 zations, and individuals, and accept and utilize vol-
 25 untary services, notwithstanding section 1342 of

1 title 31, United States Code, to provide for the
2 maintenance and improvement of natural and his-
3 toric resources on, or to benefit natural and historic
4 research on, Coast Guard facilities, subject to the re-
5 quirement that—

6 “(1) a person providing voluntary services
7 under this subsection shall not be considered a
8 Federal employee except for purposes of chap-
9 ter 81 of title 5, United States Code, with re-
10 spect to compensation for work-related injuries,
11 and chapter 171 of title 28, United States
12 Code, with respect to tort claims; and

13 “(2) a cooperative agreement under this
14 subsection shall provide for the Commandant
15 and the other party or parties to the agreement
16 to—

17 “(A) contribute funds on a matching
18 basis to defray the cost of programs,
19 projects, and activities under the agree-
20 ment; or

21 “(B) furnish services on a matching
22 basis to carry out such programs, projects,
23 and activities; or

24 “(C) both contribute funds as de-
25 scribed in subparagraph (A) and furnish

1 services as described in subparagraph
 2 (B).”.

3 **SEC. 205. RESERVE RETENTION BOARDS.**

4 Section 741(a) of title 14, United States Code, is
 5 amended by striking “and are not on active duty and not
 6 on an approved list of selectees for promotion to the next
 7 higher grade” and inserting in lieu thereof “except those
 8 officers who are on extended active duty, are on a list of
 9 selectees for promotion, will complete 30 years’ total com-
 10 missioned service by 30 June next following the date on
 11 which the retention board is convened, or have reached
 12 age 59 by the date on which the retention board is con-
 13 vened”.

14 **TITLE III—NAVIGATION SAFETY AND**
 15 **WATERWAY SERVICE MANAGEMENT**

16 **SEC. 301. NORTH ATLANTIC ROUTES.**

17 Sections 3 and 5 of the Act of June 25, 1936 (46
 18 U.S.C. App. 738b and 738d), are repealed.

19 **SEC. 302. TECHNICAL AMENDMENT FOR BOAT SAFETY AC-**
 20 **COUNT.**

21 Section 9503(c)(4)(A)(ii) of the Internal Revenue
 22 Code of 1986 (26 U.S.C. 9503(c)(4)(A)(ii)) is amended—

23 (1) by striking “No” at the beginning of
 24 subclause (II) and inserting in lieu thereof “Subject
 25 to subclause (III), no”; and

1 (2) by adding at the end the following new
2 subclause:

3 ~~“(III) CALCULATION OF AMOUNT~~
4 ~~IN ACCOUNT.—~~Amounts previously
5 appropriated from the Aquatic Re-
6 sources Trust Fund for carrying out
7 the purposes of section 13106 of title
8 46, United States Code, but not dis-
9 tributed, shall not be included when
10 calculating whether the Boat Safety
11 Account exceeds the limit established
12 in subclause (II).”.

13 **SEC. 303. UNMANNED SEAGOING BARGES.**

14 Section 3302 of title 46, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 ~~“(m) A seagoing barge is not subject to inspection~~
18 ~~under section 3301 of this title if the vessel is—~~

19 ~~“(1) unmanned; and~~

20 ~~“(2) does not carry oil in bulk or a reportable~~
21 ~~or harmful quantity of a hazardous material.”.~~

1 **TITLE IV—ENGINEERING AND**
2 **DEVELOPMENT AMENDMENTS**

3 **SEC. 401. COAST GUARD FAMILY HOUSING.**

4 (a) IN GENERAL.—Chapter 17 of title 14, United
5 States Code, is amended by adding at the end the follow-
6 ing new section:

7 **“§ 670. Procurement authority for family housing**

8 “(a) The Coast Guard, on behalf of the United
9 States, is authorized, where appropriate—

10 “(1) subject to the availability of appropriations
11 sufficient to cover its full obligations, to acquire real
12 property or interests therein by purchase, lease for
13 a term not to exceed five years, or otherwise, for use
14 as Coast Guard family housing units, including the
15 acquisition of condominium units, which may include
16 the obligation to pay maintenance, repair, and other
17 condominium related fees; and

18 “(2) for adequate compensation, by sale, lease,
19 or otherwise, to dispose of any real property or in-
20 terest therein used for Coast Guard family housing
21 units; except that such disposition shall be made by
22 the General Services Administration in accordance
23 with the Federal Property and Administrative Serv-
24 ices Act of 1949 (40 U.S.C. 471 et seq.).

1 ~~“(b) In procuring real property and interests therein~~
2 ~~under subsection (a) of this section, the Coast Guard may~~
3 ~~use procedures other than competitive procedures in cir-~~
4 ~~cumstances which are set forth in section 303(c) of the~~
5 ~~Federal Property and Administrative Services Act of 1949~~
6 ~~(41 U.S.C. 253(c)).~~

7 ~~“(c)(1) For the purposes of this section, a multiyear~~
8 ~~contract is a contract to lease Coast Guard family housing~~
9 ~~units for more than one, but not more than five fiscal~~
10 ~~years.~~

11 ~~“(2) The Coast Guard may enter into multiyear con-~~
12 ~~tracts under subsection (a) of this section whenever the~~
13 ~~Coast Guard finds that—~~

14 ~~“(A) the use of such a contract will promote the~~
15 ~~efficiency of the Coast Guard family housing pro-~~
16 ~~gram and will result in reduced total costs under the~~
17 ~~contract; and~~

18 ~~“(B) the estimates of both the cost of the con-~~
19 ~~tract and the anticipated cost avoidance through the~~
20 ~~use of a multiyear contract are realistic.~~

21 ~~“(3) A multiyear contract authorized under sub-~~
22 ~~section (a) of this section shall contain cancellation and~~
23 ~~termination provisions to the extent necessary to protect~~
24 ~~the best interests of the United States, and may include~~
25 ~~consideration of both recurring and nonrecurring costs.~~

1 The contract may provide for a cancellation payment to
 2 be made. Amounts that were originally obligated for the
 3 cost of the contract may be used for cancellation or termi-
 4 nation costs.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
 6 chapter 17 of title 14, United States Code, as amended
 7 by this title, is further amended by adding at the end the
 8 following new item:

“670. Procurement authority for family housing.”.

9 **SEC. 402. AIR STATION CAPE COD IMPROVEMENTS.**

10 (a) IN GENERAL.—Chapter 17 of title 14, United
 11 States Code, as amended by this title, is further amended
 12 by adding at the end the following new section:

13 **“§ 671. Air Station Cape Cod improvements**

14 “The Coast Guard may spend or obligate appro-
 15 priated funds for the repair, improvement, restoration, or
 16 replacement of those federally or nonfederally owned sup-
 17 port buildings, including appurtenances, which are on
 18 leased or permitted real property constituting Coast
 19 Guard Air Station Cape Cod, located on Massachusetts
 20 Military Reservation, Cape Cod, Massachusetts.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
 22 chapter 17 of title 14, United States Code, as amended
 23 by this title, is further amended by adding at the end the
 24 following new item:

“671. Air Station Cape Cod improvements.”.

1 **SEC. 403. LONG-TERM LEASE AUTHORITY FOR AIDS TO**
2 **NAVIGATION.**

3 (a) ~~IN GENERAL.~~—Chapter 17 of title 14, United
4 States Code, as amended by this title, is further amended
5 by adding at the end the following new section:

6 **“§ 672. Long-term lease authority for navigation and**
7 **communications systems sites**

8 “(a) The Coast Guard, on behalf of the United
9 States, is authorized, subject to the availability of appro-
10 priations, to enter into lease agreements to acquire real
11 property or interests therein for a term not to exceed
12 twenty years, inclusive of any automatic renewal clauses,
13 for aids-to-navigation sites, vessel traffic service sensor
14 sites, or National Distress System high level antenna sites.
15 The lease agreements shall include cancellation and termi-
16 nation provisions to the extent necessary to protect the
17 best interests of the United States. Cancellation payment
18 provisions may include consideration of both recurring and
19 nonrecurring costs associated with the real property inter-
20 ests under the contract. The lease agreements may provide
21 for a cancellation payment to be made. Amounts that were
22 originally obligated for the cost of the contract may be
23 used for cancellation or termination costs.

24 “(b) In procuring real property and interests therein
25 under subsection (a) of this section, the Coast Guard may
26 use procedures other than competitive procedures in cir-

1 circumstances which are set forth in section 303(c) of the
 2 Federal Property and Administrative Services Act of 1949
 3 (41 U.S.C. 253(c)).

4 “(c)(1) The Coast Guard may enter into multiyear
 5 lease agreements under subsection (a) of this section
 6 whenever the Coast Guard finds that—

7 “(A) the use of such a lease agreement will pro-
 8 mote the efficiency of the aids-to-navigation pro-
 9 gram, vessel traffic service program, or National
 10 Distress System program and will result in reduced
 11 total costs under the agreement;

12 “(B) the minimum need for the real property or
 13 interest therein to be leased is expected to remain
 14 substantially unchanged during the contemplated
 15 lease period; and

16 “(C) the estimates of both the cost of the lease
 17 and the anticipated cost avoidance through the use
 18 of a multiyear lease are realistic.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
 20 chapter 17 of title 14, United States Code, as amended
 21 by this title, is further amended by adding at the end of
 22 the following new item:

“672. Long term lease authority for navigation and communications system
 sites.”.

1 **TITLE V—EDUCATIONAL RESEARCH**

2 **SEC. 501. AUTHORITY FOR EDUCATIONAL RESEARCH**
 3 **GRANTS.**

4 (a) ~~IN GENERAL.~~—Chapter 9 of title 14, United
 5 States Code, is amended by adding at the end the follow-
 6 ing new section:

7 **“§ 196. Participation in Federal, State, or other edu-**
 8 **cational research grants**

9 “Notwithstanding any other provision of law, the
 10 Coast Guard Academy may compete for and accept Fed-
 11 eral, State, or other educational research grants, except
 12 that no such award may be accepted for the acquisition
 13 or construction of facilities, or for the routine functions
 14 of the Academy.”.

15 (b) ~~CONFORMING AMENDMENT.~~—The analysis for
 16 chapter 9 of title 14, United States Code, is amended by
 17 adding at the end the following new item:

“196. Participation in Federal, State, or other educational research grants.”.

18 **TITLE VI—PASSENGER VESSEL SAFETY**

19 **SEC. 601. SHORT TITLE.**

20 This title may be cited as the “Passenger Vessel
 21 Safety Act of 1993”.

22 **SEC. 602. DEFINITION OF PASSENGER.**

23 Section 2101(21) of title 46, United States Code, is
 24 amended to read as follows:

25 “(21) ‘passenger’—

1 “(A) on a vessel, other than a vessel re-
2 ferred to in subclause (B), (C), or (D) of this
3 clause, means an individual carried on the ves-
4 sel except—

5 “(i) the owner or an individual rep-
6 resentative of the owner or, in the case of
7 a vessel under charter, an individual
8 charterer or individual representative of
9 the charterer;

10 “(ii) the master; or

11 “(iii) a member of the crew engaged
12 in the business of the vessel who has not
13 contributed consideration for carriage and
14 who is paid for on board services;

15 “(B) on an offshore supply vessel, means
16 an individual carried on the vessel except—

17 “(i) an individual as described in
18 subclause (A)(i), (A)(ii), or (A)(iii) of this
19 clause;

20 “(ii) an employee of the owner, or of
21 a subcontractor to the owner, engaged in
22 the business of the owner;

23 “(iii) an employee of the charterer, or
24 of a subcontractor to the charterer, en-
25 gaged in the business of the charterer; or

1 ~~“(iv) an individual employed in a~~
2 ~~phase of exploration, exploitation, or pro-~~
3 ~~duction of offshore mineral or energy re-~~
4 ~~sources served by the vessel;~~

5 ~~“(C) on a fishing vessel, fish processing~~
6 ~~vessel, or fish tender vessel, means an individ-~~
7 ~~ual carried on the vessel except—~~

8 ~~“(i) an individual as described in~~
9 ~~subclause (A)(i), (A)(ii), or (A)(iii) of this~~
10 ~~clause;~~

11 ~~“(ii) a managing operator;~~

12 ~~“(iii) an employee of the owner, or of~~
13 ~~a subcontractor to the owner, engaged in~~
14 ~~the business of the owner; or~~

15 ~~“(iv) an employee of the charterer, or~~
16 ~~of a subcontractor to the charterer, en-~~
17 ~~gaged in the business of the charterer; and~~

18 ~~“(D) on a sailing school vessel, means an~~
19 ~~individual carried on the vessel except—~~

20 ~~“(i) an individual as described in~~
21 ~~subclause (A)(i), (A)(ii), or (A)(iii) of this~~
22 ~~clause;~~

23 ~~“(ii) an employee of the owner of the~~
24 ~~vessel engaged in the business of the~~

1 owner, except when the vessel is operating
2 under a demise charter;

3 ~~“(iii) an employee of the demise~~
4 ~~charterer of the vessel engaged in the busi-~~
5 ~~ness of the demise charterer; or~~

6 ~~(iv) a sailing school instructor or sail-~~
7 ~~ing school student.”.~~

8 **SEC. 603. DEFINITION OF PASSENGER VESSEL.**

9 Section 2101(22) of title 46, United States Code, is
10 amended to read as follows:

11 ~~“(22) passenger vessel’ means a vessel of at~~
12 ~~least 100 gross tons—~~

13 ~~“(A) that is carrying more than 12 pas-~~
14 ~~sengers, including at least one passenger for~~
15 ~~hire;~~

16 ~~“(B) that is chartered and carrying more~~
17 ~~than 12 passengers; or~~

18 ~~“(C) that is a submersible vessel carrying~~
19 ~~at least one passenger for hire.”.~~

20 **SEC. 604. DEFINITION OF SMALL PASSENGER VESSEL.**

21 Section 2101(35) of title 46, United States Code, is
22 amended to read as follows:

23 ~~“(35) ‘small passenger vessel’ means a vessel of~~
24 ~~less than 100 gross tons—~~

1 “(A) that is carrying more than 6 pas-
 2 sengers, including at least one passenger for
 3 hire;

4 “(B) that is chartered, with the crew pro-
 5 vided or specified by the owner or the owner’s
 6 representative, and carrying more than 6 pas-
 7 sengers;

8 “(C) that is chartered, with no crew pro-
 9 vided or specified by the owner or the owner’s
 10 representative, and carrying more than 12 pas-
 11 sengers; or

12 “(D) that is a submersible vessel carrying
 13 at least one passenger for hire.”.

14 **SEC. 605. DEFINITION OF UNINSPECTED PASSENGER VES-**
 15 **SEL.**

16 Section 2101(42) of title 46, United States Code, is
 17 amended to read as follows:

18 “(42) ‘uninspected passenger vessel’ means an
 19 uninspected vessel—

20 “(A) of at least 100 gross tons—

21 “(i) that is carrying not more than 12
 22 passengers, including at least one pas-
 23 senger for hire; or

24 “(ii) that is chartered, with the crew
 25 provided or specified by the owner or the

1 owner's representative, and carrying not
 2 more than 12 passengers; or
 3 ~~“(B) of less than 100 gross tons—~~
 4 ~~“(i) that is carrying not more than 6~~
 5 ~~passengers, including at least one pas-~~
 6 ~~senger for hire; or~~
 7 ~~“(ii) that is chartered, with the crew~~
 8 ~~provided or specified by the owner or the~~
 9 ~~owner's representative, and carrying not~~
 10 ~~more than 6 passengers.”.~~

11 **SEC. 606. DEFINITION OF PASSENGER FOR HIRE.**

12 Section 2101 of title 46, United States Code, is
 13 amended by inserting immediately after clause (21) the
 14 following new clause:

15 ~~“(21a) ‘passenger for hire’ means a passenger~~
 16 ~~for whom consideration is contributed as a condition~~
 17 ~~of carriage on the vessel, whether directly or indi-~~
 18 ~~rectly flowing to the owner, charterer, operator,~~
 19 ~~agent, or any other person having an interest in the~~
 20 ~~vessel.”.~~

21 **SEC. 607. DEFINITION OF CONSIDERATION.**

22 Section 2101 of title 46, United States Code, is
 23 amended by inserting immediately after clause (5) the fol-
 24 lowing new clause:

1 “(5a) ‘consideration’ means an economic bene-
 2 fit, inducement, right, or profit, including pecuniary
 3 payment accruing to an individual, person, or entity,
 4 but not including a voluntary sharing of the actual
 5 expenses of the voyage by monetary contribution or
 6 donation of fuel, food, beverage, or other supplies.”.

7 **SEC. 608. DEFINITION OF OFFSHORE SUPPLY VESSEL.**

8 Section 2101(19) of title 46, United States Code, is
 9 amended by inserting “individuals in addition to the
 10 crew,” immediately after “supplies,” and by striking “and
 11 is not a small passenger vessel”.

12 **SEC. 609. DEFINITION OF SAILING SCHOOL VESSEL.**

13 Section 2101(30)(B) of title 46, United States Code,
 14 is amended by striking “at least 6” and inserting in lieu
 15 thereof “more than 6”.

16 **SEC. 610. DEFINITION OF SUBMERSIBLE VESSEL.**

17 Section 2101 of title 46, United States Code, is
 18 amended by inserting immediately after clause (37) the
 19 following new clause:

20 “(37a) ‘submersible vessel’ means a vessel that
 21 is capable of operating below the surface of the
 22 water.”.

23 **SEC. 611. EXEMPTION AUTHORITY.**

24 (a) Section 2113 of title 46, United States Code, is
 25 amended to read as follows:

1 **“§ 2113. Authority to exempt certain vessels**

2 “If the Secretary decides that the application of a
3 provision of part B, C, F, or G of this subtitle is not nec-
4 essary in performing the mission of certain vessels en-
5 gaged in excursions or an oceanographic research vessel,
6 or not necessary for the safe operation of certain vessels
7 carrying passengers, the Secretary by regulation may—

8 “(1) for an excursion vessel, issue a special per-
9 mit specifying the conditions of operation and equip-
10 ment;

11 “(2) exempt an oceanographic research vessel
12 from that provision under conditions the Secretary
13 may specify; and

14 “(3) establish different operating and equip-
15 ment requirements for uninspected passenger vessels
16 described in section 2101(42)(A) of this title.”.

17 **SEC. 612. EQUIPMENT AND STANDARDS FOR UNINSPECTED**
18 **PASSENGER VESSELS.**

19 Section 4105 of title 46, United States Code, is
20 amended—

21 (1) by redesignating the existing text as sub-
22 section (a); and

23 (2) by adding at the end the following new sub-
24 section:

25 “(b) Within 24 months after the date of enactment
26 of this subsection, the Secretary shall, by regulation, re-

1 quire certain additional equipment (including liferafts or
 2 other lifesaving equipment), or establish construction
 3 standards or additional operating standards, for the
 4 uninspected passenger vessels described in section
 5 2101(42)(A) of this title.”.

6 **SEC. 613. APPLICABILITY DATE FOR REVISED REGULA-**
 7 **TIONS.**

8 (a) **APPLICABILITY DATE FOR CERTAIN CHARTERED**
 9 **VESSELS.**—Revised regulations governing small passenger
 10 vessels and passenger vessels, as the definitions of those
 11 terms in section 2101 of title 46, United States Code, are
 12 amended by this Act, shall not apply before May 1, 1994,
 13 to such vessels when chartered with no crew provided.

14 (b) **EXTENSION OF PERIOD.**—The Secretary of the
 15 department in which the Coast Guard is operating may
 16 extend for up to 1 additional year the period of inapplica-
 17 bility specified in subsection (a) if the owner of the vessel
 18 concerned demonstrates to the satisfaction of the Sec-
 19 retary that a good faith effort, with due diligence and care,
 20 has failed to enable compliance with the regulations by
 21 May 1, 1994.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Coast Guard Authoriza-*
 24 *tion Act of 1993”.*

TITLE I—AUTHORIZATIONS**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

(a) *FISCAL YEAR 1994.*—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1994, as follows:

(1) *For the operation and maintenance of the Coast Guard, \$2,609,747,000, of which—*

(A) *\$25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and*

(B) *\$32,250,000 shall be expended from the Boat Safety Account.*

(2) *For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and off-shore facilities, vessels, and aircraft, including equipment related thereto, \$414,000,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund.*

(3) *For research, development, test, and evaluation, \$25,000,000, to remain available until expended, of which \$4,457,000 shall be derived from the Oil Spill Liability Trust Fund.*

(4) *For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit*

1 *Plans, and payments for medical care of retired per-*
2 *sonnel and their dependents under chapter 55 of title*
3 *10, United States Code, \$548,774,000, to remain*
4 *available until expended.*

5 *(5) For alteration or removal of bridges over*
6 *navigable waters of the United States constituting ob-*
7 *structions to navigation, and for personnel and ad-*
8 *ministrative costs associated with the Bridge Alter-*
9 *ation Program, \$12,940,000, to remain available*
10 *until expended.*

11 *(6) For environmental compliance and restora-*
12 *tion at Coast Guard facilities, \$23,057,000, to remain*
13 *available until expended.*

14 *(b) FISCAL YEAR 1995.—Funds are authorized to be*
15 *appropriated for necessary expenses of the Coast Guard for*
16 *fiscal year 1995, as follows:*

17 *(1) For the operation and maintenance of the*
18 *Coast Guard, \$2,711,762,000, of which—*

19 *(A) \$26,000,000 shall be derived from the*
20 *Oil Spill Liability Trust Fund; and*

21 *(B) \$33,500,000 shall be expended from the*
22 *Boat Safety Account.*

23 *(2) For the acquisition, construction, rebuilding,*
24 *and improvement of aids to navigation, shore and off-*
25 *shore facilities, vessels, and aircraft, including equip-*

1 *ment related thereto, \$596,000,000, to remain avail-*
2 *able until expended, of which \$20,500,000 shall be de-*
3 *derived from the Oil Spill Liability Trust Fund.*

4 *(3) For research, development, test, and evalua-*
5 *tion, \$25,750,000, to remain available until expended,*
6 *of which \$4,600,000 shall be derived from the Oil*
7 *Spill Liability Trust Fund.*

8 *(4) For retired pay (including the payment of*
9 *obligations otherwise chargeable to lapsed appropria-*
10 *tions for this purpose), payments under the Retired*
11 *Serviceman's Family Protection and Survivor Benefit*
12 *Plans, and payments for medical care of retired per-*
13 *sonnel and their dependents under chapter 55 of title*
14 *10, United States Code, \$579,500,000, to remain*
15 *available until expended.*

16 *(5) For alteration or removal of bridges over*
17 *navigable waters of the United States constituting ob-*
18 *structions to navigation, and for personnel and ad-*
19 *ministrative costs associated with the Bridge Alter-*
20 *ation Program, \$13,289,000, to remain available*
21 *until expended.*

22 *(6) For environmental compliance and restora-*
23 *tion at Coast Guard Facilities, \$23,749,000, to re-*
24 *main available until expended.*

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
2 **AND MILITARY TRAINING.**

3 (a) *AUTHORIZED MILITARY STRENGTH LEVEL.*—The
4 *Coast Guard is authorized an end-of-year strength for ac-*
5 *tive duty personnel of 39,138 as of September 30, 1994 (of*
6 *which not more than 6,400 shall be commissioned officers),*
7 *and 39,138 as of September 30, 1995 (of which not more*
8 *than 6,400 shall be commissioned officers). The authorized*
9 *strength does not include members of the Ready Reserve*
10 *called to active duty for special or emergency augmentation*
11 *of regular Coast Guard forces for periods of 180 days or*
12 *less.*

13 (b) *AUTHORIZED LEVEL OF MILITARY TRAINING.*—
14 *The Coast Guard is authorized average military training*
15 *student loads as follows:*

16 (1) *For recruit and special training, 1,986 stu-*
17 *dent years for fiscal year 1994 and 1,986 student*
18 *years for fiscal year 1995.*

19 (2) *For flight training, 114 student years for fis-*
20 *cal year 1994 and 114 student years for fiscal year*
21 *1995.*

22 (3) *For professional training in military and ci-*
23 *vilian institutions, 338 student years for fiscal year*
24 *1994 and 338 student years for fiscal year 1995.*

1 (4) *For officer acquisition, 955 student years for*
 2 *fiscal year 1994 and 955 student years for fiscal year*
 3 *1995.*

4 ***TITLE II—PERSONNEL MANAGEMENT***
 5 ***IMPROVEMENT***

6 ***SEC. 201. ELIMINATION OF PERMANENT CEILING ON NUM-***
 7 ***BER OF COMMISSIONED OFFICERS.***

8 (a) *ELIMINATION OF CEILING.*—Section 42 of title 14,
 9 *United States Code, is amended by striking subsection (a),*
 10 *and by redesignating subsections (b) through (e) as sub-*
 11 *sections (a) through (d), respectively.*

12 (b) *CONFORMING AMENDMENTS.*—(1) Section 42(d) of
 13 *title 14, United States Code, as redesignated by subsection*
 14 *(a) of this section, is amended by striking “subsection (c)”*
 15 *and inserting in lieu thereof “subsection (b)”.*

16 (2) *The section heading for section 42 of title 14,*
 17 *United States Code, is amended by striking “**Number***
 18 ***and distribution*” and inserting in lieu thereof “**Dis-**
 19 ***tribution*”.****

20 (3) *In the analysis for chapter 3 of title 14, United*
 21 *States Code, the item relating to section 42 is amended by*
 22 *striking*

“Number and distribution”

23 *and inserting in lieu thereof*

“Distribution”.

1 **SEC. 202. INCREASED GRADE FOR CHIEF OF STAFF.**

2 (a) *AUTHORITY FOR GRADE OF VICE ADMIRAL.—(1)*
 3 *Chapter 3 of title 14, United States Code, is amended by*
 4 *inserting immediately after section 50 the following new*
 5 *section:*

6 **“§ 50a. Chief of Staff**

7 “(a) *The President may appoint, by and with the ad-*
 8 *vice and consent of the Senate, a Chief of Staff of the Coast*
 9 *Guard who shall rank next after the area commanders and*
 10 *who shall perform such duties as the Commandant may*
 11 *prescribe. The Chief of Staff shall be appointed from the*
 12 *officers on the active duty promotion list serving above the*
 13 *grade of captain. The Commandant shall make rec-*
 14 *ommendations for such appointment.*

15 “(b) *The Chief of Staff shall, while so serving, have*
 16 *the grade of vice admiral with the pay and allowances of*
 17 *that grade. The appointment and grade of the Chief of Staff*
 18 *shall be effective on the date the officer assumes that duty,*
 19 *and shall terminate on the date the officer is detached from*
 20 *that duty, except as provided in section 51(d) of this title.”.*

21 (2) *The analysis for chapter 3 of title 14, United States*
 22 *Code, is amended by inserting immediately after the item*
 23 *relating to section 50 the following new item:*

“50a. Chief of Staff.”.

24 (b) *ELIMINATION OF UNNECESSARY SENIORITY EX-*
 25 *CEPTION.—Section 41a(b) of title 14, United States Code,*

1 *is amended by striking “, except that the rear admiral serv-*
 2 *ing as Chief of Staff shall be the senior rear admiral for*
 3 *all purposes other than pay”.*

4 (c) *CLERICAL AMENDMENTS.—Section 41a of title 14,*
 5 *United States Code, is amended—*

6 (1) *in subsection (c), by striking “his” and in-*
 7 *serting in lieu thereof “that person’s”; and*

8 (2) *in subsection (d), by striking “he” and in-*
 9 *serting in lieu thereof “that officer”, and by striking*
 10 *“his” and inserting in lieu thereof “that officer’s”.*

11 ***SEC. 203. CONTINUITY OF GRADE OF ADMIRALS AND VICE***
 12 ***ADMIRALS.***

13 (a) *RETIREMENT.—(1) Section 51 of title 14, United*
 14 *States Code, is amended by adding at the end the following*
 15 *new subsection:*

16 “(d) *An officer serving in the grade of admiral or vice*
 17 *admiral shall continue to hold that grade—*

18 “(1) *while being processed for physical disability*
 19 *retirement, beginning on the day of the processing*
 20 *and ending on the day that officer is retired, but not*
 21 *for more than 180 days; and*

22 “(2) *while awaiting retirement, beginning on the*
 23 *day that officer is relieved from the position of Com-*
 24 *mandant, Vice Commandant, Area Commander, or*

1 *Chief of Staff and ending on the day before the offi-*
 2 *cer's retirement, but not for more than 60 days."*

3 (2) *Section 51 of title 14, United States Code, is fur-*
 4 *ther amended—*

5 (A) *in subsections (a) and (b), by striking "as*
 6 *Commander, Atlantic Area, or Commander, Pacific*
 7 *Area" each place it appears and inserting in lieu*
 8 *thereof "in the grade of vice admiral"; and*

9 (B) *in subsection (c), by striking "his" and in-*
 10 *serting in lieu thereof "that officer's".*

11 (b) *ELIMINATION OF UNNECESSARY PROVISION FOR*
 12 *CHIEF OF STAFF.—Section 290 of title 14, United States*
 13 *Code, is amended—*

14 (1) *in subsection (a), by striking "or in the posi-*
 15 *tion of Chief of Staff" in the second sentence; and*

16 (2) *in subsection (f), by striking "Chief of Staff*
 17 *or" each place it appears.*

18 (c) *CONFORMING AMENDMENT RELATING TO RETIRE-*
 19 *MENT OF COMMANDANT.—Section 46(a) of title 14, United*
 20 *States Code, is amended by striking "shall, at the expira-*
 21 *tion of his term, be retired with the grade of admiral." and*
 22 *inserting in lieu thereof "shall be retired with the grade of*
 23 *admiral at the expiration of the appointed term, except as*
 24 *provided in section 51(d) of this title."*

1 (d) *CONFORMING AMENDMENTS RELATING TO RE-*
 2 *TIREMENT OF VICE COMMANDANT.*—(1) *Section 47 of title*
 3 *14, United States Code, is amended—*

4 (A) *by striking subsections (b), (c), and (d); and*
 5 (B) *in subsection (a)—*

6 (i) *by striking “(a)” at the beginning;*

7 *and*

8 (ii) *by striking the last sentence and*
 9 *inserting in lieu thereof “The appointment*
 10 *and grade of a Vice Commandant shall be*
 11 *effective on the date the officer assumes that*
 12 *duty, and shall terminate on the date the of-*
 13 *ficer is detached from that duty, except as*
 14 *provided in section 51(d) of this title.”.*

15 (2) *The section heading for section 47 of title 47,*
 16 *United States Code, is amended by striking “; retire-*
 17 *ment”.*

18 (3) *The item relating to section 47 in the analysis for*
 19 *chapter 3 of title 14, United States Code, is amended by*
 20 *striking “; retirement”.*

21 (e) *CONFORMING AMENDMENTS RELATING TO AREA*
 22 *COMMANDERS.*—*Section 50 of title 14, United States Code,*
 23 *is amended—*

24 (1) *in subsection (a) by striking “his” and in-*
 25 *serting in lieu thereof “that area commander’s”; and*

1 (2) *in subsection (b) by striking the last sentence*
 2 *and inserting in lieu thereof “The appointment and*
 3 *grade of an area commander shall be effective on the*
 4 *date the officer assumes that duty, and shall termi-*
 5 *nate on the date the officer is detached from that*
 6 *duty, except as provided in section 51(d) of this*
 7 *title.”.*

8 **SEC. 204. VOLUNTEER SERVICES.**

9 *Section 93 of title 14, United States Code, is amend-*
 10 *ed—*

11 (1) *by striking “and” at the end of subsection*
 12 *(r);*

13 (2) *by striking the period at the end of sub-*
 14 *section (s) and inserting in lieu thereof a semicolon;*
 15 *and*

16 (3) *by adding at the end the following new sub-*
 17 *section:*

18 “(t) *enter into cooperative agreements with*
 19 *States, local governments, nongovernmental organiza-*
 20 *tions, and individuals, and accept and utilize vol-*
 21 *untary services, notwithstanding section 1342 of title*
 22 *31, United States Code, to provide for the mainte-*
 23 *nance and improvement of natural and historic re-*
 24 *sources on, or to benefit natural and historic research*

1 *on, Coast Guard facilities, subject to the requirement*
2 *that—*

3 “(1) *a person providing voluntary services*
4 *under this subsection shall not be considered a*
5 *Federal employee except for purposes of chapter*
6 *81 of title 5, United States Code, with respect to*
7 *compensation for work-related injuries, and*
8 *chapter 171 of title 28, United States Code, with*
9 *respect to tort claims; and*

10 “(2) *a cooperative agreement under this*
11 *subsection shall provide for the Commandant*
12 *and the other party or parties to the agreement*
13 *to—*

14 “(A) *contribute funds on a matching*
15 *basis to defray the cost of programs,*
16 *projects, and activities under the agreement;*
17 *or*

18 “(B) *furnish services on a matching*
19 *basis to carry out such programs, projects,*
20 *and activities; or*

21 “(C) *both contribute funds as described*
22 *in subparagraph (A) and furnish services as*
23 *described in subparagraph (B); and”.*

1 **SEC. 205. RESERVE RETENTION BOARDS.**

2 Section 741(a) of title 14, United States Code, is
 3 amended by striking “and are not on active duty and not
 4 on an approved list of selectees for promotion to the next
 5 higher grade” and inserting in lieu thereof “except those
 6 officers who are on extended active duty, are on a list of
 7 selectees for promotion, will complete 30 years’ total com-
 8 missioned service by 30 June next following the date on
 9 which the retention board is convened, or have reached age
 10 59 by the date on which the retention board is convened”.

11 **TITLE III—NAVIGATION SAFETY AND**
 12 **WATERWAY SERVICE MANAGEMENT**

13 **SEC. 301. NORTH ATLANTIC ROUTES.**

14 Sections 3 and 5 of the Act of June 25, 1936 (46
 15 U.S.C. App. 738b and 738d), are repealed.

16 **SEC. 302. TECHNICAL AMENDMENT FOR BOAT SAFETY AC-**
 17 **COUNT.**

18 Section 9503(c)(4)(A)(ii) of the Internal Revenue Code
 19 of 1986 (26 U.S.C. 9503(c)(4)(A)(ii)) is amended—

20 (1) by striking “No” at the beginning of
 21 subclause (II) and inserting in lieu thereof “Subject
 22 to subclause (III), no”; and

23 (2) by adding at the end the following new
 24 subclause:

25 “(III) CALCULATION OF AMOUNT IN
 26 ACCOUNT.—Amounts previously appro-

1 *priated from the Aquatic Resources Trust*
 2 *Fund for carrying out the purposes of sec-*
 3 *tion 13106 of title 46, United States Code,*
 4 *but not distributed, shall not be included*
 5 *when calculating whether the Boat Safety*
 6 *Account exceeds the limit established in*
 7 *subclause (II).”.*

8 **SEC. 303. UNMANNED SEAGOING BARGES.**

9 *Section 3302 of title 46, United States Code, is amend-*
 10 *ed by adding at the end the following new subsection:*

11 *“(m) A seagoing barge is not subject to inspection*
 12 *under section 3301 of this title if the vessel is—*

13 *“(1) unmanned; and*

14 *“(2) does not carry oil in bulk or a reportable*
 15 *or harmful quantity of a hazardous material.”.*

16 **TITLE IV—ENGINEERING AND**
 17 **DEVELOPMENT AMENDMENTS**

18 **SEC. 401. COAST GUARD FAMILY HOUSING.**

19 *(a) IN GENERAL.—Chapter 17 of title 14, United*
 20 *States Code, is amended by adding at the end the following*
 21 *new section:*

22 **“§ 670. Procurement authority for family housing**

23 *“(a) The Coast Guard, on behalf of the United States,*
 24 *is authorized, where appropriate—*

1 “(1) subject to the availability of appropriations
2 sufficient to cover its full obligations, to acquire real
3 property or interests therein by purchase, lease for a
4 term not to exceed 5 years, or otherwise, for use as
5 Coast Guard family housing units, including the ac-
6 quisition of condominium units, which may include
7 the obligation to pay maintenance, repair, and other
8 condominium related fees; and

9 “(2) for adequate compensation, by sale, lease, or
10 otherwise, to dispose of any real property or interest
11 therein used for Coast Guard family housing units;
12 except that such disposition shall be made by the Gen-
13 eral Services Administration in accordance with the
14 Federal Property and Administrative Services Act of
15 1949 (40 U.S.C. 471 et seq.).

16 “(b) In procuring real property and interests therein
17 under subsection (a) of this section, the Coast Guard may
18 use procedures other than competitive procedures in cir-
19 cumstances which are set forth in section 303(c) of the Fed-
20 eral Property and Administrative Services Act of 1949 (41
21 U.S.C. 253(c)).

22 “(c)(1) For the purposes of this section, a multiyear
23 contract is a contract to lease Coast Guard family housing
24 units for more than 1, but not more than 5, fiscal years.

1 “(2) *The Coast Guard may enter into multiyear con-*
2 *tracts under subsection (a) of this section whenever the*
3 *Coast Guard finds that—*

4 “(A) *the use of such a contract will promote the*
5 *efficiency of the Coast Guard family housing program*
6 *and will result in reduced total costs under the con-*
7 *tract; and*

8 “(B) *the estimates of both the cost of the contract*
9 *and the anticipated cost avoidance through the use of*
10 *a multiyear contract are realistic.*

11 “(3) *A multiyear contract authorized under subsection*
12 *(a) of this section shall contain cancellation and termi-*
13 *nation provisions to the extent necessary to protect the best*
14 *interests of the United States, and may include consider-*
15 *ation of both recurring and nonrecurring costs. The contract*
16 *may provide for a cancellation payment to be made.*
17 *Amounts that were originally obligated for the cost of the*
18 *contract may be used for cancellation or termination*
19 *costs.”.*

20 (b) *CONFORMING AMENDMENT.—The analysis for*
21 *chapter 17 of title 14, United States Code, is amended by*
22 *adding at the end the following new item:*

“670. Procurement authority for family housing.”.

1 **SEC. 402. AIR STATION CAPE COD IMPROVEMENTS.**

2 (a) *IN GENERAL.*—Chapter 17 of title 14, United
3 States Code, as amended by this title, is further amended
4 by adding at the end the following new section:

5 **“§671. Air Station Cape Cod improvements**

6 “The Coast Guard may spend or obligate appropriated
7 funds for the repair, improvement, restoration, or replace-
8 ment of those federally or non-federally owned support
9 buildings, including appurtenances, which are on leased or
10 permitted real property constituting Coast Guard Air Sta-
11 tion Cape Cod, located on Massachusetts Military Reserva-
12 tion, Cape Cod, Massachusetts.”.

13 (b) *CONFORMING AMENDMENT.*—The analysis for
14 chapter 17 of title 14, United States Code, as amended by
15 this title, is further amended by adding at the end the fol-
16 lowing new item:

“671. Air Station Cape Cod improvements.”.

17 **SEC. 403. LONG-TERM LEASE AUTHORITY FOR AIDS TO**
18 **NAVIGATION.**

19 (a) *IN GENERAL.*—Chapter 17 of title 14, United
20 States Code, as amended by this title, is further amended
21 by adding at the end the following new section:

22 **“§672. Long-term lease authority for navigation and**
23 **communications systems sites**

24 “(a) The Coast Guard, on behalf of the United States,
25 is authorized, subject to the availability of appropriations,

1 *to enter into lease agreements to acquire real property or*
2 *interests therein for a term not to exceed 20 years, inclusive*
3 *of any automatic renewal clauses, for aids-to-navigation*
4 *sites, vessel traffic service sensor sites, or National Distress*
5 *System high level antenna sites. The lease agreements shall*
6 *include cancellation and termination provisions to the ex-*
7 *tent necessary to protect the best interests of the United*
8 *States. Cancellation payment provisions may include con-*
9 *sideration of both recurring and nonrecurring costs associ-*
10 *ated with the real property interests under the contract. The*
11 *lease agreements may provide for a cancellation payment*
12 *to be made. Amounts that were originally obligated for the*
13 *cost of the contract may be used for cancellation or termi-*
14 *nation costs.*

15 “(b) *In procuring real property and interests therein*
16 *under subsection (a) of this section, the Coast Guard may*
17 *use procedures other than competitive procedures in cir-*
18 *cumstances which are set forth in section 303(c) of the Fed-*
19 *eral Property and Administrative Services Act of 1949 (41*
20 *U.S.C. 253(c)).*

21 “(c)(1) *The Coast Guard may enter into multiyear*
22 *lease agreements under subsection (a) of this section when-*
23 *ever the Coast Guard finds that—*

24 “(A) *the use of such a lease agreement will pro-*
25 *mote the efficiency of the aids-to-navigation program,*

1 vessel traffic service program, or National Distress
2 System program and will result in reduced total costs
3 under the agreement;

4 “(B) the minimum need for the real property or
5 interest therein to be leased is expected to remain sub-
6 stantially unchanged during the contemplated lease
7 period; and

8 “(C) the estimates of both the cost of the lease
9 and the anticipated cost avoidance through the use of
10 a multiyear lease are realistic.”.

11 (b) *CONFORMING AMENDMENT.*—The analysis for
12 chapter 17 of title 14, United States Code, as amended by
13 this title, is further amended by adding at the end the fol-
14 lowing new item:

 “672. Long term lease authority for navigation and communications system
 sites.”.

15 **TITLE V—RESEARCH**

16 **SEC. 501. AUTHORITY FOR EDUCATIONAL RESEARCH** 17 **GRANTS.**

18 (a) *IN GENERAL.*—Chapter 9 of title 14, United States
19 Code, is amended by adding at the end the following new
20 section:

21 **“§ 196. Participation in Federal, State, or other edu-** 22 **cational research grants**

23 “Notwithstanding any other provision of law, the
24 Coast Guard Academy may compete for and accept Federal,

1 *State, or other educational research grants, except that no*
 2 *such award may be accepted for the acquisition or construc-*
 3 *tion of facilities, or for the routine functions of the Acad-*
 4 *emy.”.*

5 (b) *CONFORMING AMENDMENT.—The analysis for*
 6 *chapter 9 of title 14, United States Code, is amended by*
 7 *adding at the end the following new item:*

“196. Participation in Federal, State, or other educational research grants.”.

8 ***SEC. 502. COOPERATIVE AGREEMENT AUTHORITY.***

9 *Section 93 of title 14, United States Code, as amended*
 10 *by section 204 of this Act, is further amended by adding*
 11 *at the end the following new subsection:*

12 *“(u) enter into cooperative agreements with other*
 13 *Government agencies for purposes of contracting with*
 14 *the National Academy of Sciences.”.*

15 ***TITLE VI—PASSENGER VESSEL SAFETY***

16 ***SEC. 601. SHORT TITLE.***

17 *This title may be cited as the “Passenger Vessel Safety*
 18 *Act of 1993”.*

19 ***SEC. 602. DEFINITION OF PASSENGER.***

20 *Section 2101(21) of title 46, United States Code, is*
 21 *amended to read as follows:*

22 *“(21) ‘passenger’—*

23 *“(A) on a vessel, other than a vessel referred*
 24 *to in subclause (B), (C), or (D) of this clause,*

1 *means an individual carried on the vessel ex-*
2 *cept—*

3 “(i) *the owner or an individual rep-*
4 *resentative of the owner or, in the case of a*
5 *vessel under charter, an individual*
6 *charterer or individual representative of the*
7 *charterer;*

8 “(ii) *the master; or*

9 “(iii) *a member of the crew engaged in*
10 *the business of the vessel who has not con-*
11 *tributed consideration for carriage and who*
12 *is paid for on board services;*

13 “(B) *on an offshore supply vessel, means an*
14 *individual carried on the vessel except—*

15 “(i) *an individual as described in*
16 *subclause (A)(i), (A)(ii), or (A)(iii) of this*
17 *clause;*

18 “(ii) *an employee of the owner, or of a*
19 *subcontractor to the owner, engaged in the*
20 *business of the owner;*

21 “(iii) *an employee of the charterer, or*
22 *of a subcontractor to the charterer, engaged*
23 *in the business of the charterer; or*

24 “(iv) *an individual employed in a*
25 *phase of exploration, exploitation, or pro-*

1 *duction of offshore mineral or energy re-*
2 *sources served by the vessel;*

3 “(C) *on a fishing vessel, fish processing ves-*
4 *sel, or fish tender vessel, means an individual*
5 *carried on the vessel except—*

6 “(i) *an individual as described in*
7 *subclause (A)(i), (A)(ii), or (A)(iii) of this*
8 *clause;*

9 “(ii) *a managing operator;*

10 “(iii) *an employee of the owner, or of*
11 *a subcontractor to the owner, engaged in the*
12 *business of the owner; or*

13 “(iv) *an employee of the charterer, or*
14 *of a subcontractor to the charterer, engaged*
15 *in the business of the charterer; and*

16 “(D) *on a sailing school vessel, means an*
17 *individual carried on the vessel except—*

18 “(i) *an individual as described in*
19 *subclause (A)(i), (A)(ii), or (A)(iii) of this*
20 *clause;*

21 “(ii) *an employee of the owner of the*
22 *vessel engaged in the business of the owner,*
23 *except when the vessel is operating under a*
24 *demise charter;*

1 “(iii) an employee of the demise
2 charterer of the vessel engaged in the busi-
3 ness of the demise charterer; or

4 “(iv) a sailing school instructor or
5 sailing school student.”.

6 **SEC. 603. DEFINITION OF PASSENGER VESSEL.**

7 Section 2101(22) of title 46, United States Code, is
8 amended to read as follows:

9 “(22) ‘passenger vessel’ means a vessel of at least
10 100 gross tons—

11 “(A) that is carrying more than 12 pas-
12 sengers, including at least one passenger for hire;

13 “(B) that is chartered and carrying more
14 than 12 passengers; or

15 “(C) that is a submersible vessel carrying at
16 least one passenger for hire.”.

17 **SEC. 604. DEFINITION OF SMALL PASSENGER VESSEL.**

18 Section 2101(35) of title 46, United States Code, is
19 amended to read as follows:

20 “(35) ‘small passenger vessel’ means a vessel of
21 less than 100 gross tons—

22 “(A) that is carrying more than 6 pas-
23 sengers, including at least one passenger for hire;

24 “(B) that is chartered, with the crew pro-
25 vided or specified by the owner or the owner’s

1 *representative, and carrying more than 6 pas-*
 2 *sengers;*

3 *“(C) that is chartered, with no crew pro-*
 4 *vided or specified by the owner or the owner’s*
 5 *representative, and carrying more than 12 pas-*
 6 *sengers; or*

7 *“(D) that is a submersible vessel carrying*
 8 *at least one passenger for hire.”.*

9 **SEC. 605. DEFINITION OF UNINSPECTED PASSENGER VES-**
 10 **SEL.**

11 *Section 2101(42) of title 46, United States Code, is*
 12 *amended to read as follows:*

13 *“(42) ‘uninspected passenger vessel’ means an*
 14 *uninspected vessel—*

15 *“(A) of at least 100 gross tons—*

16 *“(i) that is carrying not more than 12*
 17 *passengers, including at least one passenger*
 18 *for hire; or*

19 *“(ii) that is chartered, with the crew*
 20 *provided or specified by the owner or the*
 21 *owner’s representative, and carrying not*
 22 *more than 12 passengers; or*

23 *“(B) of less than 100 gross tons—*

1 “(i) that is carrying not more than 6
2 passengers, including at least one passenger
3 for hire; or

4 “(ii) that is chartered, with the crew
5 provided or specified by the owner or the
6 owner’s representative, and carrying not
7 more than 6 passengers.”.

8 **SEC. 606. DEFINITION OF PASSENGER FOR HIRE.**

9 Section 2101 of title 46, United States Code, is amend-
10 ed by inserting immediately after clause (21) the following
11 new clause:

12 “(21a) ‘passenger for hire’ means a passenger for
13 whom consideration is contributed as a condition of
14 carriage on the vessel, whether directly or indirectly
15 flowing to the owner, charterer, operator, agent, or
16 any other person having an interest in the vessel.”.

17 **SEC. 607. DEFINITION OF CONSIDERATION.**

18 Section 2101 of title 46, United States Code, is amend-
19 ed by inserting immediately after clause (5) the following
20 new clause:

21 “(5a) ‘consideration’ means an economic benefit,
22 inducement, right, or profit, including pecuniary
23 payment accruing to an individual, person, or entity,
24 but not including a voluntary sharing of the actual

1 *expenses of the voyage by monetary contribution or*
 2 *donation of fuel, food, beverage, or other supplies.”.*

3 **SEC. 608. DEFINITION OF OFFSHORE SUPPLY VESSEL.**

4 *Section 2101(19) of title 46, United States Code, is*
 5 *amended by inserting “individuals in addition to the*
 6 *crew,” immediately after “supplies,” and by striking “and*
 7 *is not a small passenger vessel”.*

8 **SEC. 609. DEFINITION OF SAILING SCHOOL VESSEL.**

9 *Section 2101(30)(B) of title 46, United States Code,*
 10 *is amended by striking “at least 6” and inserting in lieu*
 11 *thereof “more than 6”.*

12 **SEC. 610. DEFINITION OF SUBMERSIBLE VESSEL.**

13 *Section 2101 of title 46, United States Code, is amend-*
 14 *ed by inserting immediately after clause (37) the following*
 15 *new clause:*

16 *“(37a) ‘submersible vessel’ means a vessel that is*
 17 *capable of operating below the surface of the water.”.*

18 **SEC. 611. EXEMPTION AUTHORITY.**

19 *Section 2113 of title 46, United States Code, is amend-*
 20 *ed to read as follows:*

21 **“§2113. Authority to exempt certain vessels**

22 *“If the Secretary decides that the application of a pro-*
 23 *vision of part B, C, F, or G of this subtitle is not necessary*
 24 *in performing the mission of certain vessels engaged in ex-*
 25 *cursions or an oceanographic research vessel, or not nec-*

1 *essary for the safe operation of certain vessels carrying pas-*
 2 *sengers, the Secretary by regulation may—*

3 *“(1) for an excursion vessel, issue a special per-*
 4 *mit specifying the conditions of operation and equip-*
 5 *ment;*

6 *“(2) exempt an oceanographic research vessel*
 7 *from that provision under conditions the Secretary*
 8 *may specify; and*

9 *“(3) establish different operating and equipment*
 10 *requirements for uninspected passenger vessels de-*
 11 *scribed in section 2101(42)(A) of this title.”.*

12 ***SEC. 612. EQUIPMENT AND STANDARDS FOR UNINSPECTED***
 13 ***PASSENGER VESSELS.***

14 *Section 4105 of title 46, United States Code, is amend-*
 15 *ed—*

16 *(1) by redesignating the existing text as sub-*
 17 *section (a); and*

18 *(2) by adding at the end the following new sub-*
 19 *section:*

20 *“(b) Within 24 months after the date of enactment of*
 21 *this subsection, the Secretary shall, by regulation, require*
 22 *certain additional equipment (including liferafts or other*
 23 *lifesaving equipment), or establish construction standards*
 24 *or additional operating standards, for the uninspected pas-*
 25 *senger vessels described in section 2101(42)(A) of this title.”.*

1 **SEC. 613. APPLICABILITY DATE FOR REVISED REGULA-**
2 **TIONS.**

3 (a) *APPLICABILITY DATE FOR CERTAIN CHARTERED*
4 *VESSELS.*—Revised regulations governing small passenger
5 vessels and passenger vessels (as the definitions of those
6 terms in section 2101 of title 46, United States Code, are
7 amended by this Act) shall not, before the date that is 6
8 months after the date of enactment of this Act, apply to
9 such vessels when chartered with no crew provided.

10 (b) *EXTENSION OF PERIOD.*—The Secretary of the de-
11 partment in which the Coast Guard is operating shall ex-
12 tend for up to 30 additional months or until issuance of
13 a certificate of inspection, whichever occurs first, the period
14 of inapplicability specified in subsection (a) if the owner
15 of the vessel concerned carries out the provisions of sub-
16 section (c) to the satisfaction of the Secretary.

17 (c) *CONDITIONS FOR EXTENSION.*—To receive an ex-
18 tension authorized by subsection (b), the owner of the vessel
19 shall—

20 (1) make application for inspection with the
21 Coast Guard within 6 months after the date of enact-
22 ment of this Act;

23 (2) make the vessel available for examination by
24 the Coast Guard prior to the carriage of passengers;

25 (3)(A) correct especially any hazardous condi-
26 tions involving the vessel's structure, electrical system,

1 *and machinery installation, such as (i) grossly inad-*
2 *equately, missing, unsound, or severely deteriorated*
3 *frames or major structural members; (ii) wiring sys-*
4 *tems or electrical appliances without proper ground-*
5 *ing or overcurrent protection; and (iii) significant*
6 *fuel or exhaust system leaks;*

7 *(B) equip the vessel with lifesaving and fire*
8 *fighting equipment, or the portable equivalent, re-*
9 *quired for the route and number of persons carried;*
10 *and*

11 *(C) verify through stability tests, calculations, or*
12 *other practical means (which may include a history*
13 *of safe operations) that the vessel's stability is satis-*
14 *factory for the size, route, and number of passengers;*
15 *and*

16 *(4) develop a work plan approved by the Coast*
17 *Guard to complete in a good faith effort all require-*
18 *ments necessary for issuance of a certificate of inspec-*
19 *tion as soon as practicable.*

20 *(d) OPERATION OF VESSEL DURING EXTENSION PE-*
21 *RIOD.—The owner of a vessel receiving an extension under*
22 *this section shall operate the vessel under the conditions of*
23 *route, service, number of passengers, manning, and equip-*
24 *ment as may be prescribed by the Coast Guard for the exten-*
25 *sion period.*

1 **SEC. 614. CERTIFICATE OF DOCUMENTATION FOR THE VES-**
2 **SEL LISERON.**

3 (a) *AUTHORITY TO ISSUE CERTIFICATE.*—Notwith-
4 standing section 12106 of title 46, United States Code, sec-
5 tion 8 of the Passenger Vessel Act of 1886 (46 App. U.S.C.
6 289), and section 27 of the Merchant Marine Act, 1920 (46
7 App. U.S.C. 883), as applicable on the date of enactment
8 of this Act, the Secretary of Transportation may issue a
9 certificate of documentation with appropriate endorsement
10 for employment in the coastwise trade of the United States
11 for the vessel LISERON, United States official number
12 971339.

13 (b) *SPECIAL RULE.*—Solely for the application of reg-
14 ulations promulgated under part B of subtitle II of title
15 46, United States Code, the Secretary of Transportation
16 shall deem the vessel LISERON, United States official
17 number 971339, to measure less than 100 gross tons, if and
18 only if the vessel—

19 (1) does not undergo a major conversion as de-
20 fined in section 2101(14a) of title 46, United States
21 Code, subsequent to the date of enactment of this Act;
22 and

23 (2) does not engage in the carriage of passengers
24 on an international voyage.

1 **TITLE VII—MISCELLANEOUS PROVISIONS**

2 **SEC. 701. HERON NECK LIGHTHOUSE.**

3 (a) *AUTHORITY TO CONVEY.*—(1) *The Secretary of the*
 4 *department in which the Coast Guard is operating (here-*
 5 *after in this title referred to as the “Secretary”)* *shall convey*
 6 *to the Island Institute, Rockland, Maine, by an appropriate*
 7 *means of conveyance, all right, title, and interest of the*
 8 *United States Government in and to property comprising*
 9 *the Heron Neck Lighthouse; except that the Coast Guard*
 10 *shall retain all right, title, or interest in any historical arti-*
 11 *facts, such as any lens or lantern, on the property conveyed*
 12 *pursuant to this section.*

13 (2) *The Secretary may identify, describe, and deter-*
 14 *mine the property to be conveyed pursuant to this section.*

15 (b) *CONDITIONS.*—(1) *A conveyance of property pursu-*
 16 *ant to this section shall be made—*

17 (A) *without the payment of consideration; and*

18 (B) *subject to such terms and conditions as the*
 19 *Secretary may consider appropriate.*

20 (2) *The property conveyed pursuant to this section*
 21 *may be used for educational, historic, recreational, and cul-*
 22 *tural programs open to and for the benefit of the general*
 23 *public. Theme displays, museums, gift shops, open exhibits,*
 24 *meeting rooms, and an office and quarters for personnel in*
 25 *connection with security and administration of the prop-*

erty are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this section.

(3) Any conveyance of property pursuant to this section shall be subject to such additional conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States Government for as long as they are needed for this purpose;

(B) the Island Institute may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States Government;

(C) there is reserved to the United States Government the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States Government shall have the right, at any time, to enter such property without no-

1 *tice for the purpose of maintaining navigational aids;*
 2 *and*

3 *(E) the United States Government shall have an*
 4 *easement of access to such property for the purpose of*
 5 *maintaining the navigational aids in use on the*
 6 *property.*

7 *(4) The Island Institute shall not have any obligation*
 8 *to maintain any active aid to navigation equipment on*
 9 *property conveyed pursuant to this section.*

10 *(c) PROPERTY TO BE MAINTAINED IN ACCORDANCE*
 11 *WITH CERTAIN LAWS.—The Island Institute shall main-*
 12 *tain the Heron Neck Lighthouse in accordance with the pro-*
 13 *visions of the National Historic Preservation Act of 1966*
 14 *(16 U.S.C. 470 et seq.) and other applicable laws.*

15 *(d) DEFINITION.—For purposes of this section, the*
 16 *term “Heron Neck Lighthouse” means the Coast Guard*
 17 *lighthouse located on Green Island, Vinalhaven, Maine, in-*
 18 *cluding—*

19 *(1) the attached keeper’s dwelling, ancillary*
 20 *buildings, the associated fog signal, and boat ramp;*
 21 *and*

22 *(2) such land as may be necessary to enable the*
 23 *Island Institute to operate at that lighthouse a non-*
 24 *profit center for public benefit.*

1 **SEC. 702. CAPE COD LIGHTHOUSE PLANNING AND DESIGN**
2 **STUDIES.**

3 (a) *COMPLETION OF STUDIES.*—(1) *Not later than 6*
4 *months after the date of enactment of this Act, the Secretary*
5 *and the Secretary of the Interior shall complete the nec-*
6 *essary planning studies, including selection of a relocation*
7 *site, identified in the Coast Guard's strategy document for*
8 *relocation of the Cape Cod Lighthouse (popularly known*
9 *as the "Highland Light Station"), located in North Truro,*
10 *Massachusetts.*

11 (2) *Not later than 18 months after the date of enact-*
12 *ment of this Act, the Secretary shall complete the design*
13 *studies identified in the Coast Guard's strategy document*
14 *for relocation of the Cape Cod Lighthouse.*

15 (b) *USE OF AMOUNTS FOR STUDIES.*—*Of amounts ap-*
16 *propriated under the authority of this Act for acquisition,*
17 *construction, rebuilding, and improvement, the Secretary*
18 *may use up to \$600,000 for conducting the studies required*
19 *under subsection (a).*

20 **SEC. 703. TRANSFER OF LIGHTHOUSES.**

21 (a) *AUTHORITY TO TRANSFER.*—(1) *The Secretary*
22 *may convey by any appropriate means to the Washington*
23 *State Parks and Recreation Commission all right, title, and*
24 *interest of the United States Government in and to property*
25 *comprising one or more of the Cape Disappointment Light-*

1 *house, North Head Lighthouse, and Point Wilson Light-*
2 *house.*

3 (2) *The Secretary may identify, describe, and deter-*
4 *mine property conveyed pursuant to this section.*

5 (b) *TERMS AND CONDITIONS.—(1) The conveyance of*
6 *property pursuant to subsection (a) shall be made—*

7 (A) *without the payment of consideration; and*

8 (B) *subject to such terms and conditions as the*
9 *Secretary may consider appropriate.*

10 (2) *In addition to any term or condition established*
11 *pursuant to paragraph (1), any conveyance of property*
12 *comprising Cape Disappointment Lighthouse, North Head*
13 *Lighthouse, or Point Wilson Lighthouse pursuant to this*
14 *section shall be subject to the condition that all right, title,*
15 *and interest in and to the property so conveyed shall imme-*
16 *diately revert to the United States Government if the prop-*
17 *erty, or any part thereof—*

18 (A) *ceases to be used as a center for public bene-*
19 *fit for the interpretation and preservation of mari-*
20 *time history;*

21 (B) *ceases to be maintained in a manner that*
22 *ensures its present or future use as a Coast Guard aid*
23 *to navigation; or*

1 (C) ceases to be maintained in a manner consist-
2 ent with the provisions of the National Historic Pres-
3 ervation Act of 1966 (16 U.S.C. 470 et seq.).

4 (3) Any conveyance of property pursuant to this sec-
5 tion shall be made subject to such conditions as the Sec-
6 retary considers to be necessary to assure that—

7 (A) the lights, antennas, and associated equip-
8 ment located on the property conveyed, which are ac-
9 tive aids to navigation, shall continue to be operated
10 and maintained by the United States Government;

11 (B) the Washington State Parks and Recreation
12 Commission may not interfere or allow interference
13 in any manner with such aids to navigation without
14 express written permission from the Secretary;

15 (C) there is reserved to the United States Gov-
16 ernment the right to relocate, replace, or add any aids
17 to navigation or make any changes on any portion of
18 such property as may be necessary for navigation
19 purposes;

20 (D) the United States Government shall have the
21 right, at any time, to enter such property without no-
22 tice for the purpose of maintaining aids to naviga-
23 tion;

24 (E) the United States Government shall have an
25 easement of access to such property for the purpose of

1 *maintaining the aids to navigation in use on the*
 2 *property; and*

3 *(F) the property shall be rehabilitated and main-*
 4 *tained by the owner in accordance with the provisions*
 5 *of the National Historic Preservation Act of 1966 (16*
 6 *U.S.C. 470 et seq.).*

7 *(4) The Washington State Parks and Recreation Com-*
 8 *mission shall not have any obligation to maintain any ac-*
 9 *tive aid to navigation equipment on property conveyed pur-*
 10 *suant to this section.*

11 *(c) DEFINITIONS.—For purposes of this section, the*
 12 *term—*

13 *(1) “Cape Disappointment Lighthouse” means*
 14 *the Coast Guard lighthouse located at Fort Canby*
 15 *State Park, Washington, including—*

16 *(A) the lighthouse, excluding any lantern or*
 17 *lens that is the personal property of the Coast*
 18 *Guard; and*

19 *(B) such land as may be necessary to enable*
 20 *the Washington State Parks and Recreation*
 21 *Commission to operate at that lighthouse a cen-*
 22 *ter for public benefit for the interpretation and*
 23 *preservation of the maritime history;*

1 (2) “North Head Lighthouse” means the Coast
2 Guard lighthouse located at Fort Canby State Park,
3 Washington, including—

4 (A) the lighthouse, excluding any lantern or
5 lens that is the personal property of the Coast
6 Guard;

7 (B) ancillary buildings; and

8 (C) such land as may be necessary to enable
9 the Washington State Parks and Recreation
10 Commission to operate at that lighthouse a cen-
11 ter for public benefit for the interpretation and
12 preservation of maritime history; and

13 (3) “Point Wilson Lighthouse” means the Coast
14 Guard lighthouse located at Fort Worden State Park,
15 Washington, including—

16 (A) the lighthouse, excluding any lantern or
17 lens that is the personal property of the Coast
18 Guard;

19 (B) two ancillary buildings; and

20 (C) such land as may be necessary to enable
21 the Washington State Parks and Recreation
22 Commission to operate at that lighthouse a cen-
23 ter for public benefit for the interpretation and
24 preservation of maritime history.

1 **SEC. 704. LOWER COLUMBIA RIVER MARINE FIRE AND**
2 **SAFETY ACTIVITIES.**

3 *The Secretary is authorized to expend out of the*
4 *amounts appropriated for the Coast Guard for fiscal year*
5 *1994 not more than \$421,700 and for fiscal year 1995 not*
6 *more than \$358,300, for the lower Columbia River marine,*
7 *fire, oil, and toxic spill response communications, training,*
8 *equipment, and program administration activities con-*
9 *ducted by the Marine Fire and Safety Association.*

10 **SEC. 705. SOUTHEAST REGIONAL FISHERIES LAW ENFORCE-**
11 **MENT TRAINING CENTER.**

12 *The Coast Guard shall establish the Southeastern Re-*
13 *gional Fisheries Law Enforcement Training Center in the*
14 *Seventh Coast Guard District in Charleston, South Caro-*
15 *lina. The purpose of the Southeastern Regional Fisheries*
16 *Law Enforcement Training Center shall be to increase the*
17 *skills and training of Coast Guard fisheries law enforcement*
18 *personnel and to ensure that such skills and training ad-*
19 *dress the unique characteristics and complex management*
20 *requirements of the fisheries of the Southeastern United*
21 *States.*

22 **SEC. 706. FISHING AND FISH TENDER VESSELS.**

23 *Section 5209(b)(2) of the Oceans Act of 1992 (46*
24 *U.S.C. 2101 note) is amended by striking “without charge”*
25 *and “owned by the same person”.*

1 **SEC. 707. NATIONAL SAFE BOATING WEEK.**

2 *The Act of June 4, 1958 (36 U.S.C. 161), is amended*
3 *by striking “week commencing on the first Sunday in*
4 *June” and inserting in lieu thereof “week ending on the*
5 *last Saturday before Memorial Day”.*

6 **SEC. 708. OUTER CONTINENTAL SHELF CIVIL PENALTIES.**

7 *Section 24(b) of the Outer Continental Shelf Lands Act*
8 *(43 U.S.C. 1350(b)) is amended—*

9 *(1) in paragraph (1), by striking “paragraph*
10 *(2)” and inserting in lieu thereof “paragraphs (2)*
11 *and (3)”;* and

12 *(2) by adding at the end the following new para-*
13 *graph:*

14 *“(3)(A) If a person fails to comply with or violates*
15 *a regulation issued under this Act by the Secretary of the*
16 *department in which the Coast Guard is operating, that*
17 *person is liable, without regard to the requirement of the*
18 *expiration of a period allowed for corrective action, to the*
19 *United States Government for a civil penalty of not more*
20 *than the amount provided in paragraph (1) for each day*
21 *of the continuance of that failure or violation.*

22 *“(B) The Secretary of the department in which the*
23 *Coast Guard is operating is authorized to assess the amount*
24 *of the civil penalty for which a person is liable for failure*
25 *to comply with or for violating a regulation issued under*
26 *this Act by the Secretary of the department in which the*

1 *Coast Guard is operating. The assessment of the civil pen-*
2 *alty shall be by written notice and after an opportunity*
3 *for a hearing.*

4 “(C) In determining the amount of the penalty, the
5 Secretary of the department in which the Coast Guard is
6 operating shall consider the nature, circumstances, extent,
7 and gravity of the prohibited acts committed and, with re-
8 spect to the violator, the degree of culpability, any history
9 of prior offenses, ability to pay, and other matters that jus-
10 tice requires.

11 “(D) The Secretary of the department in which the
12 Coast Guard is operating may compromise, modify, or
13 remit, with or without consideration, a civil penalty under
14 this Act until referring the assessment to the Attorney Gen-
15 eral.

16 “(E) If a person fails to pay an assessment of a civil
17 penalty after it has become final, the Secretary of the de-
18 partment in which the Coast Guard is operating may refer
19 the matter to the Attorney General for collection in an ap-
20 propriate district court of the United States.”.

21 **SEC. 709. WATCHSTANDING ON CERTAIN VESSELS.**

22 Section 8301(b) of title 46, United States Code, is
23 amended by inserting “, or a vessel used only to respond
24 to a discharge of oil or a hazardous substance,” immediately
25 after “offshore supply vessel” each place it appears.

1 **SEC. 710. LOS ANGELES-LONG BEACH VESSEL TRAFFIC**
 2 **SERVICE.**

3 *The Coast Guard is authorized to provide personnel*
 4 *support for the interim vessel traffic information service in*
 5 *the Ports of Los Angeles and Long Beach operated on behalf*
 6 *of the State of California by the Marine Exchange of Los*
 7 *Angeles-Long Beach Harbors, Inc., a California nonprofit*
 8 *corporation (hereinafter referred to as "Marine Exchange").*
 9 *The Coast Guard shall be reimbursed for all costs associated*
 10 *with providing such personnel in accordance with a reim-*
 11 *bursable agreement between the Coast Guard and the State*
 12 *of California. Amounts received by the Coast Guard as re-*
 13 *imbursements for its costs shall be credited to the appro-*
 14 *priation for operating expenses of the Coast Guard. The*
 15 *United States Government assumes no liability for any act*
 16 *or omission of any officer, director, employee, or representa-*
 17 *tive of the Marine Exchange or of the State of California,*
 18 *arising out of the operation of the vessel traffic information*
 19 *service by the Marine Exchange, and the Coast Guard shall*
 20 *have the same protections and limitations on such liability*
 21 *as are afforded to the Marine Exchange under California*
 22 *law.*

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S 1052 RS——3

S 1052 RS——4

S 1052 RS——5

S 1052 RS——6

S 1052 RS——7

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